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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,684	12/03/2004	Hyung-Chul Kang	8513-241 (SFF-1761-US)	6624

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EXAMINER

BACHMAN, LINDSEY MICHELE

ART UNIT	PAPER NUMBER
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3734

MAIL DATE	DELIVERY MODE
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05/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,684

Applicant(s)

KANG, HYUNG-CHUL

Examiner

Lindsey Bachman

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This Office Action is in response to Applicant's amendment filed on 2 February 2007.

Response to Arguments

1. Applicant's arguments filed 2 February 2007 have been fully considered but they are not persuasive.

Golden (US Patent 3,609,865)

2. Applicant argues that the outer prongs taught by Golden are flat. According to Figure 3, the outer prongs (13 and 14) and the inner prong (15) are clearly convex. Applicant argues that the pimple insertion hole is not ring-like. However, according to Figure 1, the far proximal end of the slots (16) are ring-like.

Daniell (US Patent 4,976,718)

3. Applicant argues that Daniell does not teach a ring-like pimple insertion hole. "Ring-like" is a broad term and the opening taught by Daniell meets the claim limitation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Golden (US Patent 3,609,865).**

6. Claim 1: Golden'865 discloses a fork-like utensil containing a holder (11); a pressing portion (15) having a first extension (13 or 14) and a second extension (15) corresponding to each other and branched from the holder (11) (see Figure 1); and a ring-like pimple insertion hole (space between 13 and 15, or 14 and 15) formed inward from the first and second extensions. The bottom of the pressing portion is a convex curved surface (see Figures 2 and 4).

7. Claim 2: Golden'865 discloses a number of grooves (24, 27) and protrusions (23, 26) formed on the inner contacting surfaces of the first and second extensions in a corresponding (Figure 1) unevenness shape.

8. Claims 1, 2, 4, 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniell (US Patent 4,976,718).

Claims 1, 2, 4, 8, and 9 and 10: Daniell'718 discloses a device that contains a holder (14) and a pressing portion that contains a first extension (distal end of 12) and a second extension (distal end of 14) that correspond to each other and are branched off and extended from the holder (see Figure 1). The device contains a pimple insertion hole (opening between the more proximal part of 10 and 12) formed between the two extensions. The first and second extensions contain a plurality of protrusions (34a-e, 38a-e, 36, 40, see Figure 3a) and grooves (openings between the protrusions). The grooves and protrusions are formed in such a way that the gap between the inward surfaces of the first and second extensions become gradually narrow as the extensions move from the insertion hole to the end (see Figure 3a). The bottom of the pressing portion is convex curved surface (see Figure 1).

9. Claim 11: The pimple insertion hole is ring-like.

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Golden'865, as applied to Claim 1, in further view of Hale, et al. (US Patent 1,785,191).

11. Golden'865 teaches the limitations of Claim 5, except for a perpendicular auxiliary grip.

12. Hale'191 teaches a fork with a perpendicular auxiliary guard (14) in order to protect the user from the utensil end of the device. It would have been obvious to one skilled in the art at the time the invention was made to modify the device taught by Golden'865 with the grip taught by Hale'191 because it protects the user from moving their hand too far towards the utensil portion of the device.

13. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell'718, as applied to Claim 1 and 9, in further view of Saylor (US Patent 5,843,094).

14. Daniell'718 teaches the limitations of Claims 6 and 12 except for a ball-shaped massage ball.

15. Saylor'094 teaches a ball-shaped device (36) on the distal end of a tick removing device for storage and transportation. It would have been obvious to modify the device taught by Daniell'718 with a ball-shaped device taught by Saylor in order to aid the user in storing and transporting the device.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsey Bachman whose telephone number is 571-272-

6208. The examiner can normally be reached on Monday to Thursday 7:30 am to 5 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MICHAEL J. HAYES
SUPERVISORY PATENT EXAMINER